

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MCHUGH,

Plaintiff,

v.

OFFICER KOONS, et al.,

Defendants.

CIVIL ACTION
NO. 14-7165

ORDER

AND NOW, this 30th day of December 2015, upon consideration of the Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) filed by Defendant Jay Jenkins (Doc. No. 17), the Motion to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) filed on behalf of Defendants City of Allentown, Allentown Police Department, Officer Ryan Koons, Officer Damein Lobach, Sergeant Peter A. McAfee, and Chief Joel Fitzgerald (Doc. No. 20), Plaintiff's Response to Defendants' Motion to Dismiss (Doc. No. 28), and Defendants' Reply (Doc. No. 31), and in accordance with the Court's Opinion of this date, it is **ORDERED** as follows:

1. Defendant Jay Jenkins' Motion to Dismiss (Doc. No. 17) is **GRANTED**, and Plaintiff's claims against Defendant Jay Jenkins are **DISMISSED**;
2. Defendants' City of Allentown, Allentown Police Department, Officer Ryan Koons, Officer Damein Lobach, Sergeant Peter A. McAfee, and Chief Joel Fitzgerald Motion to Dismiss (Doc. No. 20) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Plaintiff's claims against Defendants City of Allentown, Allentown Police Department, Officer Damein Lobach, Sergeant Peter A. McAfee, and Chief Joel Fitzgerald are **DISMISSED**;

- b. The following claims in the Complaint (Doc. No. 7) are **DISMISSED**: Count One (Fourth Amendment Unlawful Search and Seizure, Unlawful Arrest, and False Imprisonment), Count Three (Unlawful Search and Seizure), Count Four (False Imprisonment and Unlawful Arrest), Count Six (Civil Conspiracy), Count Eight (Civil Conspiracy), Count Nine (Prosecutorial Misconduct), Count Ten (Municipal Liability), Count Eleven (Fourteenth Amendment Substantive Due Process), and Count Twelve (Defamation, False Light, Invasion of Privacy, and Intentional Infliction of Emotional Distress);
 - c. Defendants' Motion to Dismiss Plaintiff's claims for Fourth Amendment Excessive Force (Count Two), Assault and Battery (Count Five), and Intentional Infliction of Emotional Distress (Count Seven) against Officer Ryan Koons in his individual capacity is **DENIED**, and these claims will not be dismissed; and
3. Defendant Officer Ryan Koons shall file an Answer to the Complaint (Doc. No. 7) within twenty-one (21) days of the date of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.